

Application No.: 10/047,809

Amendment dated: August 21, 2006

Reply to Office Action dated: April 21, 2006

REMARKS/ARGUMENTS

Claims 1-20 are pending in the application. New claims 21-28 have been added.

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ungerer et al., "Multithreaded Processors" (hereinafter Ungerer). Applicants' filing date for the present application is January 15, 2002. According to section 706.02(a) of the MPEP:

For 35 U.S.C. 102(a) to apply, the reference must have a publication date earlier in time than the effective filing date of the application, and must not be applicant's own work.

The Ungerer reference cited by Examiner was published in the third issue of Volume 45 of *The Computer Journal*. Volume 45 corresponds to the calendar year 2002. Although an exact publication date cannot be determined, it is highly unlikely that issue 3 was published before applicants' filing date. For example, issue 3 of Volume 49 was not published until May. See <http://comjnl.oxfordjournals.org/archive/>. Ungerer is therefore not a proper reference for Examiner to rely upon. Accordingly, applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

It is believed that this Response places the application in condition for allowance, and early favorable consideration of this Response is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

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The Office is hereby authorized to charge any fees, or credit any overpayments, to
Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON LLP

Dated: August 21, 2006

By: 

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